

Application Ser. No.: 09/937,045  
Filing Date: September 20, 2001  
Examiner: Thierry Galler

Remarks

In the Final Office Action, the Examiner noted that claims 1 and 3-10 are pending in the application; claims 1, 3-6 and 10 are rejected; and that claims 7 to 9 are objected to. By this amendment, claim 1 has been amended, and claims 4, 6 and 10 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1, 3, 5 and 7 to 9 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. More specifically, claim 1 is amended to place this application in condition for an allowance as further discussed below. The Examiner's rejections are respectfully traversed below.

*Rejection Under 35 U.S.C. § 112, First Paragraph*

Claims 1, 3 and 5 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Examiner has maintained this rejection because of the fact that claim 1 contained a phrase "or alternatively R<sub>3</sub> represents nitro." The Examiner contends that such a phrase is not supported in the specification. However, as noted above, claim 1 has been amended to delete this phrase, thus rendering this rejection moot. Accordingly, withdrawal of rejection as to claims 1, 3 and 5 is respectfully requested.

*Rejection Under 35 U.S.C. § 112, First Paragraph*

Claims 4 and 6 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Again, as noted above, claims 4, 6 and 10 have been canceled without prejudice rendering this rejection moot. Accordingly, withdrawal of rejection as to claims 4 and 6 is respectfully requested.

Application Ser. No.: 09/937,045  
Filing Date: September 20, 2001  
Examiner: Thierry Gallet

### *Claim Objections*

Claims 7-9 stand objected to as being dependent upon a rejected bases claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, as noted above, independent claim 1, as amended, is believed to be in condition for an immediate allowance. Claims 7-9 depend directly or indirectly upon claim 1, and therefore, also believed to be in condition for allowance. Accordingly, withdrawal of objection as to claims 7-9 is respectfully requested.

### *Conclusions*

In view of the above Remarks, it is respectfully submitted that claims 1, 3, 5 and 7 to 9 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 116 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

March 3, 2005

Balaram Gupta

Balaram Gupta, Ph. D., J. D.

Registration No. 40,009  
Attorney for Applicants

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
MAIL CODE: BWD-303A  
Bridgewater, NJ 08807-0800  
Telephone: 908-231-3364  
Telefax: 908-231-2626